



May 9, 2007

SUBJECT: THE LAND DEVELOPMENT ORDINANCE COMMITTEE

The Land Development Ordinance Committee (LDOC) met Wednesday, May 9, 2007, at 4 p.m., in the second floor Seminar Room located at The Plaza, 100 W. Innes Street, to discuss rewriting Salisbury's ordinance code. In attendance were Jake Alexander, George Busby, Bill Burgin (Co-chair), John Casey, Mark Lewis (Co-chair), Brian Miller, Rodney Queen, Jeff Smith, and Victor Wallace.

Absent: Karen Alexander, Phil Conrad, Steve Fisher, and Bill Wagoner

Staff Present: Janet Gapen, Patrick Kennerly, Dan Mikkelson, Preston Mitchell, Diana Moghrabi, Joe Morris, David Phillips, Lynn Raker, and Patrick Ritchie

The meeting was called to order with Bill Burgin (Co-chair) presiding. The minutes of the May 2, 2007, meeting were accepted.

Chapter Summaries

Preston Mitchell distributed the latest version of Chapter 11, Lighting on Private Property, dated 5/2/07, which the secretary posted to the Internet <http://www.salisburync.gov/lm&d/lloc/index.html>. This chapter is completed.

Chapter 14 Agencies, Boards & Commissions draft 1/1/07

Outdoor Storage

This has not been included in any of the chapters. Preston supplied a definition—

Outdoor storage shall include any site or use of land that includes the outdoor storage of machinery, equipment, towed vehicles or other bulk material or item as an accessory to the primary use. Finished products and nursery stock that is placed out of doors on a commercial site for the purposes of sale or display of product shall not be considered as outdoor storage for the purpose of the following provisions.

Provisions:

1. *Outdoor storage, as defined, shall not be permitted within the GR, UR or UR-P districts.*
2. *Within all other districts, the following shall apply:*
 - a. *Outdoor storage areas shall be located only within the rear yard.*
 - b. *Outdoor storage areas shall be screened by a minimum 6-foot opaque fence or wall.*
 - c. *Outdoor storage items shall not project above the required screening.*

Determine location (Chapter 4); Definition will be included in Chapter 18. This is not addressed citywide. LI and HI have buffers and shall be exempt. Either grandfather a use or add complete vegetative screen as option to opaque fence or wall. A bonafide farm is exempt from the zoning ordinance.

Regulate Pods. Section 4.5 addresses temporary buildings and does not require a building permit. Staff will discuss this issue at Monday staff meeting.

George Busby believes that there should be a 6' minimum for a fence, but you don't want a 12' high fence. A bucket truck or a crane should be restricted to a rear yard or side yards—screened from the street. Bill Burgin asked if we should keep what we have in DMX.

Chapter 13, Nonconformities, Revision date 06/30/06

- There is an effort to make this chapter user friendly.
- There have been some issues with the matrix.
- Page 13.3 the word “abandoned” to change to “discontinued use.”
- Jake voiced concerns about any impact this may have on local economics.
- There is an expectation of government protection.

13.3 Nonconforming uses

George believes this has to be in the code or you never get rid of non-conforming uses. Jake wants to be sure that the new code will not create a lot of nonconformities. David responded that that had been taken into account with the mapping. There may be more instances in LI and HI than in other zones. Bill Burgin said that in many cases the new code will be more flexible. At Mark Lewis's request David Phillips explained what was in the current code.

(Jeff Smith joined the committee; he had a prior commitment.)

13.4 Nonconforming Principal Structures

Proposed to be more restrictive—damage rule over 50 percent, rather than 60 percent. This is a reflection of the building code.

Mark emphasized 180 days to get a zoning permit. Just need basic information for zoning permit. Then you have another six months to get a building permit before zoning permit expires.

13.4.D.1,2,3– will essentially say that if damage is greater than 50 percent and if a zoning permit is issued, build to current standards if possible. If not possible, you can rebuild, but not expand non-conformity.

Nonconforming historic structures that are more than 50 percent damaged can be rebuilt with a COA in the current code. George wanted “replaced” with COA to be added.

David will work on clearing up the language for “manufactured home subdivision.” He questioned whether it should read “mobile home park.” A discussion on non-conforming mobile home parks followed. Does the greater than 50 percent rule apply? Probably not—because it is a use rather than a structure.

13.6 Non-conforming lots needs to be clearer.

Clarify 13.6.B—Two adjacent non-conforming lots in common ownership should be combined. Cannot sell the non-conforming lot if two together in common ownership; but, we are going down to 30’ lots, so this should not be a problem.

13.8 Nonconforming Landscaping, Screening and Lighting.

- A. More restrictive
- B. Same as existing
- C. Neutral—allows continued use of non-conforming lights. Needs to be clarified, however.

13.9 Non-conforming Street Frontages

Dan Mikkelsen believes this needs to cross-reference with similar section in Chapter 9. Are they consistent? Do we need it here, if it says same thing in Chapter 9?

Jake asked if there has been any consideration given to major corridor where sidewalks may not be needed. Dan said yes—The Sidewalk Prioritization Plan. In the new code it is based on the transect.

The meeting was adjourned at 6:00 p.m.

DM